

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

FILED

CATHERINE and LARRY JONES,

03 MAY 16 AM 11:57

Plaintiffs.

v.

Robert M. Mark
No. CIV 02-1342 LH/RLP

SHAUNA, INC. d/b/a SOLITAIRE HOMES,
and GEORGE SULIMA,

Defendants.

v.

TODD VAN BERG.

Third-Party Defendant.

PROVISIONAL DISCOVERY PLAN

1. Pursuant to Rule 26(f), Federal Rules of Civil Procedure, the parties met variously by telephone. Counsel for the parties were:

- a. Richard N. Feferman, attorney for plaintiff;
- b. Gordon H. Rowe, III, attorney for defendants Sulima and Shauna.
- c. Thomas P. Gulley, attorney for third-party defendant Van Berg.

2. Discovery Plan. The parties have identified the following discovery needs:

- a. Plaintiffs assert that they will need discovery on the following subjects:
 - i. All aspects of the sales and financing transaction with Plaintiffs;
 - ii. Coverage of the Truth in Lending Act, involving financing of sales to other customers;
 - iii. Disbursements of the proceeds of the loan.

13

- iv. Any other allegations in the Complaint or relevant to the Complaint or to the defenses raised.
- b. Defendants Shauna, Inc. and Sulima assert that they will need discovery on the following subjects:
 - i. Actions of Van Berg and veracity of Plaintiffs' claims.
- c. Third party defendant Van Berg asserts that he will need discovery on the following subjects:
 - i. The matters identified above by Plaintiffs;
 - ii. The allegations in the third party complaint;
 - iii. Mr. Sulima's actions with respect to the allegations against him and the allegations he makes.
- d. All discovery commenced in time to be completed within 150 days after initial pretrial conference, unless delayed by motion.
- e. Maximum of 25 interrogatories by each party to any other party (responses due 30 days after service).
- f. Maximum of 25 requests for admission by each party to any other party (response due 30 days after service).
- g. Maximum of 8 depositions per side.
- h. Each deposition limited to maximum of four hours unless extended by agreement of the parties.
- i. Identification and provision of reports from retained experts under Rule 26(a)(2) due from Plaintiffs within 90 days after initial pretrial conference and from all others within 120 days after initial pretrial conference.


- j. Rule 26(e) supplementation due in accordance with the specifications of the Rule, within fifteen days that a party acquires information or documents that would warrant supplementation of disclosures or responses.

3. Other items

- a. The parties request a settlement conference no later than 30 days after termination of discovery.
- b. The parties request a pretrial conference 45 days before trial.
- c. Plaintiffs should be allowed until 60 days after the initial scheduling conference to join additional parties and to amend the pleadings.
- d. Defendants and Third-Party Defendant should be allowed until 75 days after the initial scheduling conference to join additional parties and to amend the pleadings.
- e. All potentially dispositive motions should be filed within 45 days after close of discovery.
- f. Plaintiffs shall provide the proposed Pretrial Order to other parties 60 days before trial, and the other parties shall submit to the Court by 45 days before trial. The Pre-Trial Order will not be entered by the Court until after the Pre-Trial Conference.
- g. Settlement prospects are modest.

Respectfully submitted,

FEERMAN & WARREN, Attorneys for Plaintiffs


300 Central Ave., SW, Suite 2000 East
Albuquerque, NM 87102
(505) 243-7773

THE ROWE LAW FIRM, P.A., Attorney for Defendants Shauna, Inc. and Sulima

(Approved by fax 5/15/03)

Gordon H. Rowe, III
1200 Pennsylvania, NE, Suite 2B
Albuquerque, NM 87110
(505) 232 2800

JONTZ DAWE GULLEY & CROWN, P.C., Attorneys for Third-Party Defendant

(Approved by email 5/14/03)

Thomas P. Gulley
Rebecca Sitterly
201 Third St. NW, 19th Floor
Albuquerque, NM 87102
(505) 764-5400